

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JOHN WEBB, ID #415339,

Petitioner,

v.

**NATHANIEL QUARTERMAN, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,**

Respondent.

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Civil Action No. **3:08-CV-596-L**

ORDER


Before the court is Webb’s Petition for Writ of Habeas Corpus, filed April 7, 2008. Pursuant to Special Order 3-251, the case was referred to Magistrate Judge Irma C. Ramirez. Magistrate Judge Ramirez entered Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) on October 31, 2008. Petitioner filed objections to the Report on November 18, 2008.

This is a habeas petition filed pursuant to 28 U.S.C. § 2254. The magistrate judge found that Tex. Gov’t Code Ann. § 508.141(g) (Vernon 2004) (“Senate Bill 917”) does not constitute a bill of attainder or violate the Ex Post Facto Clause of the United States Constitution, the Fifth, Eighth, and Fourteenth Amendments to the United States Constitution; or the separation of powers doctrine. Although Petitioner challenges Senate Bill 917 in his habeas petition, his objections to the magistrate judge’s findings are based on his interpretation of 37 Tex. Admin. Code § 145.12 (2007). To the extent that Petitioner objects based on his interpretation of 37 Tex. Admin. Code § 145.12, the court does not consider these objections because these arguments were not presented to the magistrate judge and are therefore waived. *See Cupit v. Whitley*, 28 F.3d 532, 535 n.5 (5th Cir.

1994), *cert. denied*, 513 U.S. 1163 (1995). To the extent that Petitioner intended to object based on Senate Bill 917, such objections are duplicative of the arguments included in the petition. Because these arguments were considered by the court in its review of the petition, the court will not separately address them herein. Accordingly, the court **overrules** Petitioner's objections.

Having reviewed the petition, file, record, objections, and the Report in this case, the court determines that the findings and conclusions are correct. The magistrate judge's findings and conclusions are therefore **accepted** as those of the court. Accordingly, the court **dismisses with prejudice** the writ of habeas corpus.

It is so ordered this 20th day of November, 2008.


Sam A. Lindsay
United States District Judge